

FILED 08 MAR 28 15:24 USDC-ORM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CHARLES SMITH,

Plaintiff,

v.

DETECTIVE PHALEN,

Defendant.

Civil No. 07-1891-CL

ORDER

**PANNER, Judge.**

Magistrate Judge Mark D. Clarke has filed Findings and Recommendation (F&R), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff has filed objections. I have reviewed the F&R de novo. See 28 U.S.C. § 636(b)(1)(C); Holder v. Holder, 392 F.3d 1009, 1022 (9th Cir. 2004). I conclude that the F&R is correct.

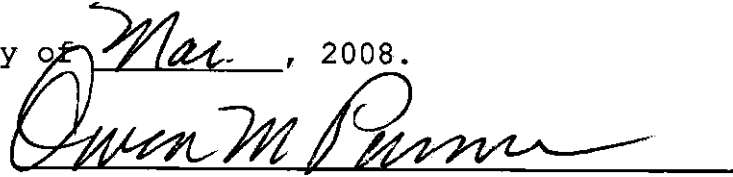
**CONCLUSION**

Magistrate Judge Clarke's Findings and Recommendation (#4) is adopted. This action is dismissed because it is barred by

the statute of limitations. Plaintiff's motion for appointment of counsel (#2) is denied as moot.

IT IS SO ORDERED.

DATED this 28 day of Mar, 2008.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
United States District Judge